

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
Charlottesville Division**

ELIZABETH SINES, SETH WISPELWEY,
MARISSA BLAIR, APRIL MUÑIZ,
MARCUS MARTIN, NATALIE ROMERO,
CHELSEA ALVARADO, JOHN DOE, and
THOMAS BAKER,

Plaintiffs,

v.

JASON KESSLER, RICHARD SPENCER,
CHRISTOPHER CANTWELL, JAMES
ALEX FIELDS, JR., VANGUARD
AMERICA, ANDREW ANGLIN,
MOONBASE HOLDINGS, LLC, ROBERT
“AZZMADOR” RAY, NATHAN DAMIGO,
ELLIOTT KLINE a/k/a ELI MOSLEY,
IDENTITY EVROPA, MATTHEW
HEIMBACH, MATTHEW PARROTT a/k/a
DAVID MATTHEW PARROTT,
TRADITIONALIST WORKER PARTY,
MICHAEL HILL, MICHAEL TUBBS,
LEAGUE OF THE SOUTH, JEFF SCHOEP,
NATIONAL SOCIALIST MOVEMENT,
NATIONALIST FRONT, AUGUST SOL
INVICTUS, FRATERNAL ORDER OF THE
ALT-KNIGHTS, MICHAEL “ENOC”
PEINOVICH, LOYAL WHITE KNIGHTS OF
THE KU KLUX KLAN, and EAST COASH
KNIGHTS OF THE KU KLUX KLAN a/k/a
EAST COAST KNIGHTS OF THE TRUE
INVISIBLE EMPIRE,

Defendants.

Civil Action No. 3:17-cv-00072-NKM

**PLAINTIFFS’ MOTION TO STRIKE DEFENDANT
CHRISTOPHER CANTWELL’S LETTER**

Plaintiffs respectfully file this motion requesting that the Court strike Defendant Christopher Cantwell's letter filed on July 13, 2022 ("Ltr."). *See* ECF 1614.

"[F]ederal courts have inherent power to strike frivolous motions." *Ayres v. Ocwen Loan Servicing, LLC*, No. 13 Civ. 1597, 2013 WL 4784190, at *3 (D. Md. Sept. 5, 2013); *see* Fed. R. Civ. P. 12(f) ("The court may strike from a pleading an insufficient defense or any redundant, immaterial, impertinent, or scandalous matter."); *Fisher v. Whitlock*, 784 F. App'x 711, 713–14 (11th Cir. Aug. 16, 2019) (explaining that a "district court possesses the power to manage its docket and curb vexatious litigation" and holding that the district court had the inherent power to strike a litigant's repeat post-judgment motion); *cf. Iota Xi Chapter Of Sigma Chi Fraternity v. Patterson*, 566 F.3d 138, 150 (4th Cir. 2009) (explaining that the court is "entitled to rely on its inherent authority to fashion an appropriate sanction," including by striking a motion).

To begin with, Cantwell's letter essentially amounts to yet another unsolicited submission in support of his request for a new trial. *See* Ltr. 3. As such, it obviously comes far too late. As the Court knows, Cantwell has been granted numerous extensions of his time to file his reply briefs in support of his post-trial motions both challenging the jury's punitive damages awards and seeking a new trial. Those replies were originally due on February 22, 2022. *See* ECF 1496. Under the most recent scheduling order, they were due on June 10, 2022. *See* ECF 1606. Judge Hoppe made it clear at the time that "[n]o additional extension will be allowed for Cantwell to file either reply brief." ECF 1606. Cantwell's letter—one of several filings that Cantwell has made since June 10, *see* ECF 1610–1613—can and should be stricken on this basis alone. *See, e.g., LBCMT 2007-C3 Urbana Pike, LLC v. Sheppard*, No. 12 CIV. 3056, 2015 WL 1880083, at *1 & n.1 (D. Md. Apr. 22, 2015) (striking an untimely filing); *see also Fisher*, 784 F. App'x at 713 (the court's inherent authority "includes the power to strike a party's pleading for failure to follow court orders").

But far more importantly, Cantwell's letter fundamentally offends the integrity of this Court and the judicial system. It should be stricken on that ground as well. More specifically, while candidly acknowledging that he has no basis in the record for his "alternative theory," Cantwell posits in his letter that the jury denied damages awards to two Plaintiffs "on Count 3 because they were the only non-Jewish white heterosexual Plaintiffs." Ltr. 1. Cantwell then asks whether another Plaintiff is "Jewish or homosexual." *Id.* Cantwell next theorizes that the damages awarded by the jury served as a "race based lottery or reparations program" or a "racially motivated reward distribution." *Id.* at 2. He provides no evidence for any of this. Of course, this is not the first time that Cantwell has made baseless allegations about racial and other forms of prejudice infecting the trial, *see, e.g.*, ECF 1604 at 6–7 (alleging that the "Court further aided in this racially motivated scheme of the Plaintiffs by allowing a black juror who Judge Moon observed was obviously cognitively impaired"), not to mention himself making offensive statements or asking offensive questions throughout the trial, *see, e.g.*, ECF 1418 at 2 (arguing that evidence should be excluded because the author of a blog post "hails from Jewish ancestry"); Trial Tr. (11/03/2021) at 187 (asking Holocaust scholar Professor Deborah Lipstadt, "If somebody was going to make a joke about the Jewish people, would the Holocaust be an easy target?"); Trial Tr. (11/15/2021) at 265 (calling Plaintiffs' counsel an "a**hole" and accusing him of "pestering me with this nonsense" during his direct examination).¹

¹ Cantwell also accuses Plaintiffs of "obvious dishonesty" and "perjured sworn testimony," with nothing more than the barest attempt at explanation. *See* Ltr. 1, 3. Cantwell's accusations are just the latest in a string of such unsupported statements made in similar filings. *See, e.g.*, ECF 1578 at 3 ("The time has come for this Court to cease its complicity in the Plaintiffs' criminal behavior."); ECF 1604 at 6 (accusing Plaintiffs of filing a complaint "with abundant demonstrably false nonsense" and claiming that "Plaintiffs lied in open Court under oath").

But at this point, enough is enough. The Court should not even consider Cantwell's theories or speculation based on which parties are Jewish, white, or heterosexual. Cantwell provides no reason whatsoever for the Court to entertain them. Cantwell's nonsensical and offensive arguments are an insult to the Court. *See, e.g., Collura v. City of Philadelphia*, 590 F. App'x 180, 185 (3d Cir. 2014) (upholding a district court's striking of a complaint "replete with abusive language and ad hominem attacks," which was "outrageous and wholly inappropriate"); *Alvarado-Morales v. Digital Equip. Corp.*, 843 F.2d 613, 617 (1st Cir. 1988) (same, for a complaint that "impugned the character" of litigants).

* * *

For the foregoing reasons, Plaintiffs respectfully request that the Court strike Defendant Cantwell's letter from the docket.

Dated: July 15, 2022

Respectfully submitted,



Roberta A. Kaplan (*pro hac vice*)
KAPLAN HECKER & FINK LLP
350 Fifth Avenue, 63rd Floor
New York, NY 10118
Telephone: (212) 763-0883
rkaplan@kaplanhecker.com

Counsel for Plaintiffs

Of Counsel:

Julie E. Fink (*pro hac vice*)
Gabrielle E. Tenzer (*pro hac vice*)
Raymond P. Tolentino (*pro hac vice*)
Yotam Barkai (*pro hac vice*)
Alexandra K. Conlon (*pro hac vice*)
KAPLAN HECKER & FINK LLP

Karen L. Dunn (*pro hac vice*)
Jessica Phillips (*pro hac vice*)
William A. Isaacson (*pro hac vice*)
Arpine S. Lawyer (*pro hac vice*)
Matteo Godi (*pro hac vice*)

350 Fifth Avenue, 63rd Floor
New York, NY 10118
Telephone: (212) 763-0883
jfink@kaplanhecker.com
gtenger@kaplanhecker.com
rtolentino@kaplanhecker.com
ybarkai@kaplanhecker.com
aconlon@kaplanhecker.com

PAUL, WEISS, RIFKIND, WHARTON &
GARRISON LLP
2001 K Street, NW
Washington, DC 20006-1047
Telephone: (202) 223-7300
Fax: (202) 223-7420
kdunn@paulweiss.com
jphillips@paulweiss.com
wisaacson@paulweiss.com
alawyer@paulweiss.com
mgodi@paulweiss.com

Robert T. Cahill (VSB 38562)
COOLEY LLP
11951 Freedom Drive, 14th Floor
Reston, VA 20190-5656
Telephone: (703) 456-8000
Fax: (703) 456-8100
rcahill@cooley.com

Alan Levine (*pro hac vice*)
Philip Bowman (*pro hac vice*)
Amanda L. Liverzani (*pro hac vice*)
Daniel Philip Roy, III (*pro hac vice*)
COOLEY LLP
55 Hudson Yards
New York, NY 10001
Telephone: (212) 479-6260
Fax: (212) 479-6275
alevine@cooley.com
pbowman@cooley.com
aliverzani@cooley.com
droy@cooley.com

David E. Mills (*pro hac vice*)
Joshua M. Siegel (VSB 73416)
Caitlin B. Munley (*pro hac vice*)
Samantha A. Strauss (*pro hac vice*)
Alexandra Eber (*pro hac vice*)
Gemma Seidita (*pro hac vice*)
Khary Anderson (*pro hac vice*)
COOLEY LLP
1299 Pennsylvania Avenue, NW
Suite 700
Washington, DC 20004
Telephone: (202) 842-7800
Fax: (202) 842-7899
dmills@cooley.com
jsiegel@cooley.com
cmunley@cooley.com
sastrauss@cooley.com

J. Benjamin Rottenborn (VSB 84796)
WOODS ROGERS PLC
10 South Jefferson St., Suite 1400
Roanoke, VA 24011
Telephone: (540) 983-7600
Fax: (540) 983-7711
brottenborn@woodsrogers.com

aeber@cooley.com
gseidita@cooley.com
kjanderson@cooley.com

Counsel for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that on July 15, 2022, I served the following via ECF:

Elmer Woodard
5661 US Hwy 29
Blairs, VA 24527
isuecrooks@comcast.net

James E. Kolenich
Kolenich Law Office
9435 Waterstone Blvd. #140
Cincinnati, OH 45249
jek318@gmail.com

Counsel for Defendants Jason Kessler, Nathan Damigo, and Identity Europa, Inc. (Identity Evropa)

Bryan Jones
106 W. South St., Suite 211
Charlottesville, VA 22902
bryan@bjoneslegal.com

Counsel for Defendants Michael Hill, Michael Tubbs, and League of the South

Joshua Smith
Smith LLC
807 Crane Avenue
Pittsburgh, PA 15216-2079
joshsmith2020@gmail.com

Counsel for Defendants Matthew Parrott, Traditionalist Worker Party, and Matthew Heimbach

David L. Campbell
Justin Saunders Gravatt
Duane, Hauck, Davis & Gravatt, P.C.
100 West Franklin Street, Suite 100
Richmond, VA 23220
dcampbell@dhdglaw.com
jgravatt@dhdglaw.com

Counsel for Defendant James A. Fields, Jr.

William Edward ReBrook, IV
The ReBrook Law Office
6013 Clerkenwell Court
Burke, VA 22015
edward@rebrooklaw.com

Counsel for Defendants Jeff Schoep, National Socialist Movement, Nationalist Front, Matthew Parrott, Traditionalist Worker Party, and Matthew Heimbach

I hereby certify that on July 15, 2022, I also served the following by electronic mail:

Richard Spencer
richardbspencer@icloud.com
richardbspencer@gmail.com

Robert "Azzmador" Ray
azzmador@gmail.com

Vanguard America
c/o Dillon Hopper
dillon_hopper@protonmail.com

Elliott Kline a/k/a Eli Mosley
eli.f.mosley@gmail.com
deplorabletruth@gmail.com
eli.r.kline@gmail.com

I hereby certify that on July 15, 2022, I also served the following by physical mail:

Christopher Cantwell
Christopher Cantwell 00991-509
USP Marion, 4500 Prison Road
P.O. Box 2000
Marion, IL 62959

Jason Kessler
6256 Bullet Dr.
Crestview, FL 32536



Roberta A. Kaplan (*pro hac vice*)
KAPLAN HECKER & FINK LLP

Counsel for Plaintiffs